

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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In the Matter of

Numbering Resource Optimization

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CC Docket No. 99-200

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**PETITION FOR EXTENSION OF TIME
 TO COMPLY WITH NUMBER REPORTING
 AND RECORDKEEPING REQUIREMENTS**

Tennessee Telecommunications Association ("TTA" or "Petitioner"), pursuant to Section 1.3 of the Federal Communications Commission (the "Commission") Rules¹ respectfully submits this Petition for extension of time, of 60 days after the Commission enters its decision regarding TTA's Petition for Waiver of Number Reporting, Recordkeeping and Forecasting Requirements ("Petition for Waiver"), filed June 16, 2000, to comply with number reporting and recordkeeping requirements set forth in Section 52.15 of the Commission's new Rules,² as follows:

INTRODUCTION

1. TTA, a Tennessee not-for-profit corporation with its principal place of business in Nashville, Tennessee, files this Petition on behalf of the following members of TTA, all of whom provide local exchange carrier services in Tennessee: Ardmore Telephone Company, Inc., Bledsoe Telephone Cooperative, CenturyTel of Adamsville, Inc., CenturyTel of Claiborne, Inc., CenturyTel of Ooltewah-Collegedale, Inc., Concord Telephone Exchange Co., Crockett Telephone Co., Inc., DeKalb Telephone Cooperative, Inc., Highland Telephone Cooperative, Inc., Humphrey's County Telephone Co., Loretto Telephone Company, Inc., North Central Telephone Cooperative, Peoples Telephone Company, Inc., Tellico Telephone Co., Tennessee Telephone Co., Twin Lakes Telephone

¹ 47 C.F.R. § 1.3 (2000).

² 47 C.F.R. § 52.15.

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Cooperative Corporation, United Telephone Company, West Kentucky Rural Telephone Cooperative Corporation, Inc., West Tennessee Telephone Co., Inc., and Yorkville Telephone Cooperative (collectively, the "Small Rural Carriers").

2. In its Petition for Waiver, TTA has sought waiver on behalf of the Small Rural Carriers³ of the following requirements set forth in the Commission's Report and Order and Further Notice of Proposed Rulemaking:⁴ (i) that carriers report five categories of numbers -- assigned, intermediate, reserved, aging, and administrative; (ii) that they maintain detailed, subcategorized internal records of telephone number resources in eight sub-categories; and (iii) that they semi-annually report number usage and forecast data.⁵

3. As set forth in TTA's Petition for Waiver of Number Reporting, Recordkeeping and Forecasting Requirements ("Petition for Waiver"), filed June 16, 2000, the Small Rural Carriers are non-LNP capable⁶ carriers meeting the definition of "rural" telephone companies under the

³ Originally, the Petition for Waiver was filed on behalf of the above-referenced Small Rural Carriers and Ben Lomand Rural Telephone Cooperative, Inc. ("Ben Lomand"). Subsequently, TTA advised by letter of its attorneys, dated July 10, 2000, that the Petition for Waiver should no longer be considered as submitted on behalf of Ben Lomand, but that it remained fully applicable to the other members of the Petitioner on whose behalf the Petition for Waiver was filed.

⁴ Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, F.C.C. 00-104 (rel. March 31, 2000) [hereinafter Order].

⁵ Petitioner also requested that the Commission grant the Small Rural Carriers a further waiver of any other numbering resource administration rule or requirement granted to any other rural telephone company and extend such waivers, as well as the relief sought in its Petition for Waiver, to all similarly situated small, rural non-LNP capable carriers. Petition for Waiver ¶ 19.

⁶ See 47 U.S.C. § 153(37)(D).

Communications Act.⁷ Each has considerably limited financial and human resources by which to comply with new number resource data reporting and recordkeeping requirements.⁸

4. Because of the pendency of TTA's Petition for Waiver and the conditions under which the Small Rural Carriers operate, as well as the absence of any benefit from their compliance with the requirements, Petitioner seeks a temporary waiver, an extension of time, to comply with the new requirements that carriers maintain detailed, eight sub-category number resource records and semiannually report utilization and forecast data until the expiration of 60 days after the entry of the Commission's decision regarding TTA's Petition for Waiver.

NEW REQUIREMENT AS TO WHICH EXTENSION OF TIME IS SOUGHT

5. On March 31, 2000, the Commission released the "Order" at issue.⁹ Among the requirements set forth in the Order, the Commission directed that: (i) all carriers report five categories of numbers: assigned, intermediate, reserved, aging and administrative;¹⁰ (ii) they maintain highly detailed records of telephone number resources in eight sub-categories;¹¹ and (iii)

⁷ Nothing herein is intended to affect the status of any requests to grant or terminate any exemptions, suspensions, or modifications of the provisions of 47 U.S.C. § 251.

⁸ Petition for Waiver ¶ 3.

⁹ See generally Order.

¹⁰ Id. ¶ 60 (to be codified at 37 C.F.R. § 52.15(f)(5)(i)). The Commission delegated the authority to state regulators to reduce the frequency of reporting from semiannual to annual. Id. at ¶ 30.

¹¹ Id. ¶ 62 n. 104 (the sub-categories are: soft dialtone numbers, ported-out numbers, dealer number pools, test numbers, employee/official numbers, Local Routing Numbers, Temporary Local Directory Numbers, and wireless E911 emergency services routing digits/key (ESRD/ESRK) numbers) (to be codified at 37 C.F.R. § 52.15(f)(1)).

they semi-annually report number usage and forecast data.¹² The Order further requires that carriers submit their first numbering resource report on FCC Form 502 on or before August 1, 2000.¹³

STANDARD FOR GRANT OF WAIVER

6. The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest.¹⁴ Waiver of a Commission Rule is appropriate if: (i) the underlying purpose of the rule would not be served, or would be frustrated, by its application in a particular case and grant of the waiver is otherwise in the public interest; or (ii) unique facts or circumstances would render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest and there is no reasonable alternative.¹⁵

REASONS SUPPORTING EXTENSION OF TIME

7. As indicated in TTA's Petition for Waiver, application of the new reporting and recordkeeping requirements to the Small Rural Carriers would not provide a benefit to the North American Number Planning Administration, the Commission, or consumers with respect to number resource conservation because the Small Rural Carriers use, and expect to continue to use, so few numbering resources¹⁶ and because number resources cannot be transferred by non-LNP capable

¹² Id. ¶ 67 ("Each carrier shall submit to the NANPA forecast and utilization data on or before February 1, for the period ending on December 31, and on or before August 1, for the period ending on June 30 of each year") (to be codified at 37 C.F.R. § 52.15(f)(6)(i)).

¹³ See id. ¶ 30.

¹⁴ WAIT Radio v. Federal Comm. Comm'n, 418 F.2d 1153, 1159 (D.C. Cir. 1969); see 47 C.F.R. § 1.3.

¹⁵ Northeast Cell. Tel. Co., L.P. v. Federal Comm. Comm'n, 879 F.2d 1164, 1166 (D.C. Cir. 1990); WAIT Radio v. Federal Comm. Comm'n, 418 F.2d 1153 (D.C. Cir. 1969).

¹⁶ Petition for Waiver ¶ 8; see Order at 71 ("rural carriers tend to use less number resources"); id., Separate Statement of Commissioner Ness, at 142 ("rural carriers . . . are not a significant cause of number exhaust problems").

carriers, such as the Small Rural Carriers.¹⁷ Neither would the reporting or recordkeeping measures benefit the Small Rural Carriers.¹⁸ Therefore, collection, retention, and reporting of number utilization data by the Small Rural Carriers would provide no benefit, economic or otherwise, to any party. Because application of the new rules to the Small Rural Carriers would not serve their underlying purpose, conservation of numbering resources, an extension of time to comply with, or temporary waiver of, the new reporting and recordkeeping rules until 60 days following entry of the Commission's decision regarding the Petition for Waiver is appropriate.

8. Preparation, collection, retention and submission of the number utilization data to meet the recordkeeping requirements, which is required to be reported by August 1, 2000, will necessitate that the Small Rural Carriers expend significant financial and human resources¹⁹ during a time in which TTA's Petition for Waiver is pending. The Small Rural Carriers historically have not maintained records that would support reporting of the five major number categories.²⁰ Compliance by the Small Rural Carriers with the new number recordkeeping and reporting rules would require the time consuming conversion of data from paper to electronic media, as well as the expensive implementation of new information systems and creation of databases to track and maintain number resource data in the required granularity.²¹ Therefore, extending the Small Rural Carriers' date for compliance with the recordkeeping and number reporting under the new rules to

¹⁷ Petition for Waiver ¶ 13.

¹⁸ Id.

¹⁹ See Order at 142 (Separate Statement of Commissioner Ness) ("[w]e must recognize that reporting requirements impose a burden, especially on small, rural carriers").

²⁰ Petition for Waiver ¶ 9.

²¹ Id.

sixty days after entry of the Commission's decision regarding the Petition for Waiver would alleviate any additional, potentially unnecessary, expenses associated with urgent implementation of recordkeeping systems, data collection, conversion from paper to electronic information systems, and preparation of Form 502 reports to meet the impending August 1, 2000 deadline.

9. If the relief sought in TTA's Petition for Waiver is granted by the Commission, extending the time that the Small Rural Carriers have to comply with the new reporting and recordkeeping requirements until decision is entered by the Commission would avoid waste of their limited resources, ameliorate the increased burden placed upon the Small Rural Carriers due to the close proximity of the first reporting date and recordkeeping deadline and eliminate the need to recover related costs from ratepayers, thereby benefitting the public interest.

10. Conversely, in the event that the Commission denies the relief sought in the Petition for Waiver, an additional 60 day extension from the date of entry of such decision would reduce the burden on the significantly limited financial and human resources of the Small Rural Carriers due to the proximity of the first reporting and recordkeeping compliance date, or the unknown future date on which the Commission will decide the Petition for Waiver, without negatively affecting the underlying purpose of the new requirements.


11. Extending the first required reporting and recordkeeping compliance date to the date of entry of the Commission's decision regarding the Petition for Waiver is the only method of ensuring that the Small Rural Carriers' limited resources will not be unnecessarily expended to comply with the new rules in the interim. Providing an additional 60 day extension after entry of the Commission's decision is necessary to provide sufficient time for the Small Rural Carriers to comply with the new rules, if the relief sought in the Petition for Waiver is denied. Accordingly, there is no reasonable alternative to the proposed relief.

CONCLUSION

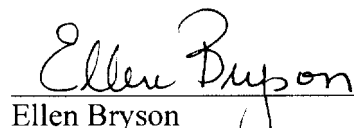
12. Application of the new reporting and recordkeeping requirements to the Small Rural Carriers during the pendency of TTA's Petition for Waiver would be contrary to the public interest. Extending the time for compliance with the new requirements until sixty days following entry of the Commission's decision with respect to the Petition for Waiver would not harm the underlying purpose of the rules. There is no reasonable alternative to an extension of time for compliance, or temporary waiver, that would similarly benefit the public interest or result in a less onerous burden. Therefore, Petitioner respectfully requests that the Commission grant its Petition on behalf of the Small Rural Carriers.

Respectfully submitted,

Date: July 18, 2000


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